



IFW

Patent  
Attorney's Docket No. 1034136-000035

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of ) MAIL STOP: PCT  
Zhongxin GE et al. ) Group Art Unit: Unassigned  
Application No.: 10/594,432 ) Examiner: Unassigned  
Filed: September 26, 2006 ) Confirmation No.: 2929  
For: PEGYLATION AND )  
HYDROXYLATION OF )  
TRIMETALLIC NITRIDE )  
ENDOHEDRAL )  
METALLOFULLERENES )

**RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)**

Mail Stop: PCT  
Office of PCT Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In Response to the Decision on Petition issued on December 11, 2007 in the above-identified application (hereinafter, the "Decision"), Applicants hereby respectfully request reconsideration on the merits of the Petition for Filing Application By Less Than All the Inventors Pursuant to 37 C.F.R. § 1.47(a).

As described previously, the joint inventors of this application are Zhongxin Ge, J. Paige Phillips, and Harry C. Dorn. It is requested that the inventors Zhongxin Ge and J. Paige Phillips be permitted to make a declaration of inventorship in connection with the above identified U.S. patent application on behalf of Harry C. Dorn. Joint inventor Harry C. Dorn has refused to sign the Declaration. The other inventors, Zhongxin Ge and J. Paige Phillips, have signed the Declaration and a

copy of the partially executed Declaration was previously submitted to the U.S.

Patent and Trademark Office on November 16, 2007.

A Statement of Facts Under 37 C.F.R. § 1.47(a), executed by Mr. Aaron S. Hullman, was submitted on November 16, 2007 with the Petition for Filing Application By Less Than All the Inventors Pursuant to 37 C.F.R. § 1.47(a). The Decision notes that the documentary evidence to support Mr. Hullman's declaration, in particular Exhibits 1-4, were missing. Accordingly, attached hereto is a complete copy of Mr. Hullman's declaration, *i.e.*, Statement of Facts Under 37 C.F.R. § 1.47(a) with Exhibits 1-4 attached. The Statement of Facts, including Exhibits 1-4, provide documentary evidence that Mr. Hullman sent to David O. Williamson, Esq. (Dr. Dorn's attorney) a complete copy of the as-filed application, which includes the specification, claims, and drawings, as well as a copy of the Combined Declaration and Power of Attorney document for execution. Despite reasonable efforts to have Dr. Dorn execute the above-identified Declaration, Dr. Dorn has not returned the executed Declaration and the comments and conduct of his attorney, Mr. Williamson, constitute a refusal of Dr. Dorn to execute the Declaration (as evidenced by a failure to return an executed Declaration).

Also attached hereto is a Second Statement of Facts Under 37 C.F.R. § 1.47(a) with Exhibits A-B. This Second Statement of Facts, signed by Mr. Hullman, provides copies of the confirmation of receipt materials for the two letters sent to Mr. Williamson -- (1) certified mail receipt for the May 11, 2007 letter sent to Mr. Williamson enclosing a copy of the application as well as a Declaration for execution by Dr. Dorn; and (2) Federal Express shipment delivery information for the July 16, 2007 letter that was sent to Mr. Williamson enclosing a duplicate package as was

sent on May 11, 2007. This Second Statement of Facts also indicates that Mr. Williamson represents Dr. Dorn for matters regarding Luna Innovations Incorporated (assignee of the above-captioned application). Such representation of Dr. Dorn, by Mr. Williamson, includes intellectual property matters and such intellectual property matters include the subject patent application.

Based upon a telephone discussion on December 18, 2007 between applicants' undersigned representative and Mr. Anthony Smith, Attorney-Advisor, Office PCT Legal Administration, it is believed that the enclosed materials are sufficient to satisfy the requirements of 37 C.F.R. § 1.47(a) and this Renewed Petition should therefore be granted.

Pursuant to the Decision, the Petition fee was submitted on November 16, 2007, and thus is not required at this time. However, the Commissioner is hereby authorized to charge any fee necessary by this submission to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Any questions regarding this Petition should be directed to the undersigned at the telephone number set forth below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: January 2, 2008

By:   
Susan M. Dadio  
Registration No. 40,373

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
Zhongxin GE et al. ) Group Art Unit: Unassigned  
Application No.: 10/594,432 ) Examiner: Unassigned  
Filed: September 26, 2006 ) Confirmation No.: Unassigned  
For: PEGYLATION AND )  
HYDROXYLATION OF )  
TRIMETALLIC NITRIDE )  
ENDOHEDRAL )  
METALLOFULLERENES )

**STATEMENT OF FACTS UNDER 37 C.F.R. §1.47(a)**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Aaron S. Hullman, hereby declare as follows:

1. I am currently an attorney with the law firm of Latham & Watkins, LLP.

From October 2005 to August 2007, I was Vice President and General Counsel of Luna Innovations Incorporated. Luna Innovations Incorporated is the assignee of the above-captioned application. As Vice President and General Counsel, I was an authorized representative of Luna Innovations Incorporated.

2. Harry C. Dorn, Ph.D., a named inventor of the above-captioned patent application, was employed by Luna Innovations Incorporated during the time of his contribution to the invention described and claimed in the above-captioned application.

3. Dr. Dorn is no longer employed by Luna Innovations Incorporated.

4. Dr. Dorn is represented by an attorney with respect to certain matters concerning Luna Innovations Incorporated. Therefore, subsequent to filing the

above-captioned application, a letter was prepared and a copy of the application (specification, drawings, claims and Declaration) was sent on November 14, 2006 to Dr. Dorn through his attorney at that time, John P. Fishwick, Jr., at Lichtenstein Fishwick & Johnson PLC, Liberty Trust Building, 101 S. Jefferson Street, Suite 400, Roanoke, Virginia 24011. Exhibit 1.

5. On January 8, 2007 I received a letter from Mr. Fishwick, Jr. indicating that all future correspondence to Dr. Dorn should now be sent to his newly appointed counsel, Mr. David O. Williamson. Exhibit 2.

6. On May 11, 2007, I prepared and sent a certified letter to Dr. Dorn, through his newly appointed counsel, Mr. David O. Williamson, 302 Washington Avenue, S.W., Roanoke, Virginia 24016-4312, enclosing a copy of the application and Declaration for execution by Dr. Dorn. Exhibit 3.

7. On July 16, 2007, I sent a further letter, via Federal Express, to Mr. Dorn's attorney, David O. Williamson, at the address listed above. Exhibit 4.

8. On or around July 18, 2007, I conducted a telephone call with Mr. Williamson regarding Dr. Dorn's execution of the Declaration, during which time Mr. Williamson suggested that Dr. Dorn did not intend to execute such Declaration.

9. Despite a bona fide attempt to have Dr. Dorn execute and return the executed copy of the Declaration for the above-identified application, including multiple deliveries of the application to Dr. Dorn's attorneys and a follow-up telephone discussion with Dr. Dorn's attorney, Dr. Dorn has not returned the executed Declaration.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be

Application No. 10/594,432  
Attorney's Docket No. 1034136-000035  
Page 3

true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 10001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 10/31/07

By: Aaron S. Hullman  
Aaron S. Hullman

**EXHIBIT 1**



1703 South Jefferson St. SW  
Suite 400  
Roanoke, VA 20416  
Main: 540-769-8400  
Fax: 540-581-0951

November 14, 2006

**VIA OVERNIGHT COURIER**

John P. Fishwick, Jr.  
LIGHTENSTEIN FISHWICK & JOHNSON PLC  
Liberty Trust Building  
101 South Jefferson Street, Suite 400  
Roanoke, Virginia 24011

Re: Dr. Harry C. Dorn

Dear Mr. Fishwick:

This letter is being provided to you as counsel for Dr. Harry C. Dorn. Please note that we have not copied Dr. Dorn on this letter as we have assumed that you are representing him on all matters pertaining to Luna Innovations Incorporated ("Luna Innovations").

As you may be aware, Dr. Dorn was a co-inventor on at least two inventions during his employment with Luna Innovations. In accordance with the terms of that certain Confidentiality Agreement by and between Dr. Dorn and Luna Innovations dated August 7, 2002, a copy of which is enclosed with this letter, Dr. Dorn agreed to execute and deliver any and all instruments that are, or may be, necessary to document the assignment of such inventions to Luna Innovations for purposes of prosecuting U.S. and foreign patent applications.

To this end, enclosed herewith are six packets of materials for Dr. Dorn signature relating to two series of patent applications filed by Luna Innovations in which Dr. Dorn is a named co-inventor. Each packet of materials includes documents to be reviewed, signed and dated by Dr. Dorn.

Specifically, the first series of patent applications are entitled "Pegylation and Hydroxylation of Trimetallic Nitride Endohedral Metallofullerenes." The three applications in this series are as follows:

(i) U.S. Provisional Application No. 60/556,432 was initially filed on March 26, 2004 and identified Zhongxin Ge, Harry C. Dorn, and J. Paige Phillips as co-inventors. This provisional application packet includes the as-filed application and an Assignment document to be executed by Dr. Dorn.

(ii) International Patent Cooperation Treaty ("PCT") Application No. PCT/US2005/010219 was filed on March 25, 2005 and claims priority to U.S. Provisional Application No. 60/556,432. A copy of the as-filed PCT application is included.

(iii) U.S. National Stage Patent Application No. 10/594,432 was filed on September 26, 2006 and claims priority to PCT Application No. PCT/US2005/010219 and U.S. Provisional Application No. 60/556,432. This national stage application packet includes the as-filed application and a Combined Declaration and Power of Attorney document to be executed by Dr. Dorn.

John P. Fishwick, Jr.  
November 14, 2006  
Page 2

The second series of patent applications are entitled "Polyhydroxy Hydrogensulfated Trimetallic Nitride Endohedral Metallofullerene." This series also has three applications and they are as follows:

(i) U.S. Provisional Application No. 60/556,431 was initially filed on March 26, 2004 and identified Zhongxin Ge and Harry C. Dorn as co-inventors. This provisional application packet includes the as-filed application and an Assignment document to be executed by Dr. Dorn.

(ii) International Patent Cooperation Treaty ("PCT") Application No. PCT/US2005/010220 was filed on March 25, 2005 and claims priority to U.S. Provisional Application No. 60/556,431. A copy of the as-filed PCT application is included.

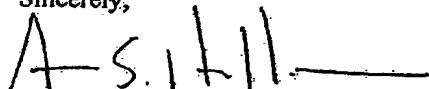
(iii) U.S. National Stage Patent Application No. 10/594,429 was filed on September 26, 2006 and claims priority to PCT Application No. PCT/US2005/010219 and U.S. Provisional Application No. 60/556,431. This national stage application packet includes the as-filed application and a Combined Declaration and Power of Attorney document to be executed by Dr. Dorn.

Please have Dr. Dorn sign and date each of the above-mentioned Assignment and Combined Declaration and Power of Attorney documents. Thereafter, please return the originally executed documents to my attention at 1703 South Jefferson Street, SW, Suite 400, Roanoke, VA 24016 so that we can arrange to have each document filed with the U.S. Patent and Trademark Office.

Additionally, kindly acknowledge receipt of this letter and its enclosures by signing, dating, and returning the attached copy of this letter.

If you have any questions, please do not hesitate to contact me at 540.808.9950.

Sincerely,



Aaron S. Hullman  
Vice President and General Counsel

Enclosures

cc: Susan M. Dadio, Esq., Buchanan Ingersoll & Rooney PC  
Robert S. Ballou, Esq., Johnson, Ayers & Matthews, P.L.C.

**RECEIPT ACKNOWLEDGED:**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT 2**

John P. Fishwick, Jr.

Telephone: 540-345-5890  
Facsimile: 540-345-5789  
jpf@vaonline.com

LICHTENSTEIN  
FISHWICK &  
JOHNSON PLC  
ATTORNEYS & COUNSELORS AT LAW

Liberty Trust Building  
101 S. Jefferson St., Suite 400  
Roanoke, VA 24011

P.O. Box 601  
Roanoke, VA 24004-0601

January 8, 2007

Aaron S. Hullman, Esq.  
Luna Innovations, Inc.  
1703 South Jefferson Street, SW  
Suite 400  
Roanoke, VA 24016

RE: Dr. Harry C. Dorn

Dear Aaron:

We are in receipt of and thank you for your letter requesting Dr. Dorn's signature on six patent applications. We write to inform you that David Williamson is handling these matters for Dr. Dorn and we have forwarded to him your letter and the enclosures. In the future, please direct all correspondence regarding this matter to David Williamson.

Thank you for your attention to this matter.

With kind regards, I remain

Very truly yours,

LICHTENSTEIN FISHWICK & JOHNSON, P.L.C.



John P. Fishwick, Jr.

JPF/mpp

cc: David O. Williamson  
Dr. Harry C. Dorn

## **EXHIBIT 3**



1703 South Jefferson St., SW  
Suite 400  
Roanoke, VA 24016  
Main: 1.540.769.8400  
Fax: 1.540.769.8401  
[www.lunainnovations.com](http://www.lunainnovations.com)

May 11, 2007

DAVID O. WILLIAMSON, ATTORNEY  
302 Washington Avenue, S.W.  
Roanoke, Virginia 24016-4312  
540.344.7600

Re: Dr. Harry C. Dorn

Dear Mr. Williamson:

Pursuant to the January 8, 2007 letter from John P. Fishwick, Jr. indicating your handling of this matter, this letter is being provided to you as counsel for Dr. Harry C. Dorn.

Enclosed herewith are six packets of materials for Dr. Dorn relating to two series patent applications filed by Luna Innovations Incorporated in which Dr. Dorn is a named co-inventor. Each packet of materials includes documents to be carefully reviewed, signed and dated by Dr. Dorn.

Specifically, the first series of patent applications are entitled "Pegylation and Hydroxylation of Trimetallic Nitride Endohedral Metallofullerenes." The three applications in this series are as follows:

(i) U.S. Provisional Application No. 60/556,432 was initially filed on March 26, 2004 and identified Zhongxin Ge, Harry C. Dorn, and J. Paige Phillips as co-inventors. This provisional application packet includes the as-filed application and an Assignment document to be executed by Dr. Dorn.

(ii) International Patent Cooperation Treaty ("PCT") Application No. PCT/US2005/010219 was filed on March 25, 2005 and claims priority to U.S. Provisional Application No. 60/556,432. A copy of the as-filed PCT application is included.

(iii) U.S. National Stage Patent Application No. 10/594,432 was filed on September 26, 2006 and claims priority to PCT Application No. PCT/US2005/010219 and U.S. Provisional Application No. 60/556,432. This national stage application packet includes the as-filed application and a Combined Declaration and Power of Attorney document to be executed by Dr. Dorn.

The second series of patent applications are entitled "Polyhydroxy Hydrogensulfated Trimetallic Nitride Endohedral Metallofullerenes." This series also has three applications and they are as follows:

David O. Williamson  
May 10, 2007  
Page 2

(i) U.S. Provisional Application No. 60/556,431 was initially filed on March 26, 2004 and identified Zhongxin Ge and Harry C. Dorn as co-inventors. This provisional application packet includes the as-filed application and an Assignment document to be executed by Dr. Dorn.

(ii) International Patent Cooperation Treaty ("PCT") Application No. PCT/US2005/010220 was filed on March 25, 2005 and claims priority to U.S. Provisional Application No. 60/556,431. A copy of the as-filed PCT application is included.

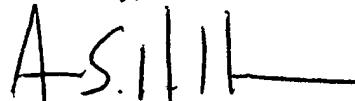
(iii) U.S. National Stage Patent Application No. 10/594,429 was filed on September 26, 2006 and claims priority to PCT Application No. PCT/US2005/010219 and U.S. Provisional Application No. 60/556,431. This national stage application packet includes the as-filed application and a Combined Declaration and Power of Attorney document to be executed by Dr. Dorn.

**Please have Dr. Dorn sign and date each of the above-mentioned Assignment and Combined Declaration and Power of Attorney documents. Thereafter, please return the originally executed documents to us so that we can have each document filed with the U.S. Patent and Trademark Office.**

Additionally, kindly acknowledge receipt of this letter and its enclosures by signing, dating, and returning the attached copy of this letter.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Aaron S. Hullman  
Vice President and General Counsel

Enclosures

cc: Susan M. Dadio, Esq., BUCHANAN INGERSOLL & ROONEY PC  
Robert S. Ballou, Esq., JOHNSON, AYERS & MATTHEWS, P.L.C.

**RECEIPT ACKNOWLEDGED:**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT 4**



1703 South Jefferson St., SW  
Suite 400  
Roanoke, VA 24016  
Main: 1.540.769.8400  
Fax: 1.540.769.8401  
[www.lunainnovations.com](http://www.lunainnovations.com)

July 16, 2007

**VIA E-MAIL AND FEDERAL EXPRESS**

David O. Williamson, Esq.  
302 Washington Avenue, S.W.  
Roanoke, Virginia 24016-4312

Re: Dr. Harry C. Dorn Invention Assignment Documentation

Dear Mr. Williamson:

This letter is being provided to you as counsel for Dr. Harry C. Dorn. By letter dated May 11, 2007, we previously provided you and your client, Dr. Dorn, six packets of materials for Dr. Dorn relating to two series patent applications filed by Luna Innovations Incorporated in which Dr. Dorn is a named co-inventor. Each packet of materials included documents to be carefully reviewed, signed and dated by Dr. Dorn.

**Please acknowledge in writing whether or not Dr. Dorn intends to sign and date each of the above-mentioned Assignment and Combined Declaration and Power of Attorney documents.**

If Dr. Dorn intends to comply with his contractual obligations to cooperate in the prosecution of these patent applications, in accordance with his employment and consulting agreements, please have Dr. Dorn return the originally executed documents to us immediately so that we can have each document filed with the U.S. Patent and Trademark Office.

If you have any questions, please do not hesitate to contact me or our outside counsel, Ms. Susan Dadio, at Buchanan Ingersoll & Rooney PC. Ms. Dadio is handling these patent applications on behalf of Luna Innovations and she may be reached by phone at 703.838.6531 or by e-mail at susan.dadio@bipc.com.

Sincerely,

Aaron S. Hullman  
Vice President and General Counsel

cc: Dr. Harry Dorn  
Susan M. Dadio, Esq., Buchanan Ingersoll & Rooney PC  
Robert S. Ballou, Johnson Ayers & Mathews, P.L.C.



**UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
Zhongxin GE et al. ) Group Art Unit: Unassigned  
Application No.: 10/594,432 ) Examiner: Unassigned  
Filed: September 26, 2006 ) Confirmation No.: Unassigned  
For: PEGYLATION AND )  
HYDROXYLATION OF )  
TRIMETALLIC NITRIDE )  
ENDOHEDRAL )  
METALLOFULLERENES )

**SECOND STATEMENT OF FACTS UNDER 37 C.F.R. §1.47(a)**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Aaron S. Hullman, hereby declare as follows:

1. I am the same individual who, on October 31, 2007, signed a Statement of Facts Under 37 C.F.R. §1.47(a) in connection with the above-captioned application ("First Statement of Facts").

2. In addition to the information provided in the First Statement of Facts, attached hereto as Exhibit A is the confirmation of receipt for the certified letter sent to Dr. Dorn's counsel, David O. Williamson, Esq., on May 11, 2007 (see Exhibit 3 to the First Statement of Facts). Also, attached hereto as Exhibit B is the confirmation of receipt for the letter sent, via Federal Express, to Mr. Williamson on July 16, 2007 (see Exhibit 4 to the First Statement of Facts).

3. David O. Williamson, Esq. represents Dr. Harry C. Dorn regarding various matters involving Luna Innovations Incorporated, including intellectual property matters with respect to the above-captioned application.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 10001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 12/27/07

By: A.S.H  
Aaron S. Hullman

**EXHIBIT A**

[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7005 3110 0002 8511 5414  
Detailed Results:

- Delivered, May 14, 2007, 11:18 am, ROANOKE, VA 24016
- Acceptance, May 11, 2007, 10:47 am, ROANOKE, VA 24014

[Track & Confirm](#)[Enter Label/Receipt Number.](#)[\*\*< Back\*\*](#)[Return to USPS.com Home >](#)

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [\*\*Go >\*\*](#)



POSTAL INSPECTORS  
Preserving the Trust

[site map](#) [contact us](#) [government services](#) [jobs](#) [National & Premier Accounts](#)  
Copyright © 1999-2004 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

**U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)**

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

7005	3110	0002	8511	5414	1014															
					02															
					Postmark Here															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Postage</td> <td style="width: 15%; text-align: right;">\$ 4.20</td> <td style="width: 10%;"></td> </tr> <tr> <td>Certified Fee</td> <td style="text-align: right;">\$2.40</td> <td></td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td style="text-align: right;">\$1.85</td> <td></td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td style="text-align: right;">\$0.00</td> <td></td> </tr> <tr> <td>Total Postage &amp; Fees</td> <td style="text-align: right;">\$ 8.45</td> <td>05/11/2007</td> </tr> </table>					Postage	\$ 4.20		Certified Fee	\$2.40		Return Receipt Fee (Endorsement Required)	\$1.85		Restricted Delivery Fee (Endorsement Required)	\$0.00		Total Postage & Fees	\$ 8.45	05/11/2007	
Postage	\$ 4.20																			
Certified Fee	\$2.40																			
Return Receipt Fee (Endorsement Required)	\$1.85																			
Restricted Delivery Fee (Endorsement Required)	\$0.00																			
Total Postage & Fees	\$ 8.45	05/11/2007																		
<b>Sent</b> David O. Williamson, Attorney <b>Street</b> 302 Washington Avenue, SW <b>City</b> Roanoke, VA 24016-4312																				

PS Form 3800 June 2002      See Reverse for Instructions

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li><input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</li> <li><input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature <i>Cynthia Hall</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery <i>5-14-07</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>E. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.       </p> <p>F. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>1. Article Addressed to:  <b>David O. Williamson, Attorney 302 Washington Avenue, SW Roanoke, VA 24016-4312</b></p>		<p>2. Article Number (Transfer from service label) <b>7005 3110 0002 8511 5414</b></p>	

PS Form 3811, February 2004      Domestic Return Receipt      102585-02-M-1540

**EXHIBIT B**

From: Origin ID: ROAA (540)769-8436  
Amy Combs  
Luna Innovations Incorporated  
1703 South Jefferson Street  
Suite 400  
Roanoke, VA 24016



Ship Date: 17JUL07  
ActWgt: 1 LB  
System: 1762799/NET77061  
Account: S \*\*\*\*\*

## Delivery Address Bar Code



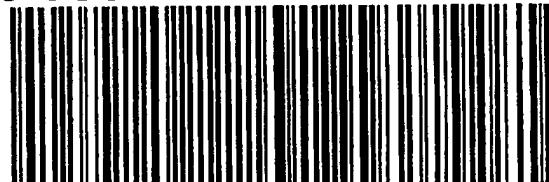
SHIP TO: (540)344-7600 BILL SENDER  
David O. Williamson, Esq.  
302 Washington Avenue, SW  
Roanoke, VA 240164312

Ref # 7365-180  
Invoice #  
PO #  
Dept #

TRK# WED - 18JUL A1  
0201 7917 2347 6640 STANDARD OVERNIGH'

ROA  
VA-US  
24016

25-ROAA



## Shipping Label: Your shipment is complete

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

**Warning:** Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on [fedex.com](http://fedex.com). FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

**Amy Combs**

---

**From:** TrackingUpdates@fedex.com  
**Sent:** Wednesday, July 18, 2007 11:26 AM  
**To:** Amy Combs  
**Subject:** FedEx Shipment 791723476640 Delivered

---

This tracking update has been requested by:

Company Name: Luna Innovations Incorporated  
Name: Amy Combs  
E-mail: combsa@lunainnovations.com

---

Our records indicate that the following shipment has been delivered:

Tracking number:	791723476640
Reference:	7365-160
Ship (P/U) date:	Jul 17, 2007
Delivery date:	Jul 18, 2007 11:18 AM
Sign for by:	K.GREER
Delivered to:	Receptionist/Front Desk
Service type:	FedEx Standard Overnight
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.50 lb.

Shipper Information	Recipient Information
Amy Combs	David O. Williamson, Esq.
Luna Innovations Incorporated	302 Washington Avenue, SW
1703 South Jefferson Street	Roanoke
Suite 400	VA
Roanoke	US
VA	240164312
US	
24016	

Special handling/Services:  
Deliver Weekday

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 10:25 AM CDT on 07/18/2007.

To learn more about FedEx Express, please visit our website at [fedex.com](http://fedex.com).

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at [fedex.com](http://fedex.com).

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and [fedex.com](http://fedex.com)'s terms of use, go to [fedex.com](http://fedex.com).

**Thank you for your business.**